

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:21-00095

CHRISTOPHER LEE FOSTER

MEMORANDUM OPINION AND ORDER

Pursuant to a Standing Order entered on October 31, 2023, the court has instituted a review of the sentence imposed in this matter. On November 1, 2023, a multi-part criminal history amendment designated as Amendment 821 in Appendix C to the *Guidelines Manual* became effective. Part A of the amendment addresses status points, decreasing them by one point for individuals with seven or more criminal history points and eliminating status points for those with six or fewer criminal history points. Subpart 1 of Part B creates a new §4C1.1 guideline that provides a decrease of two offense levels for "Zero-Point Offenders" (those with no criminal history points) whose offense did not involve specified aggravating factors. Parts A and B, subpart 1 of the criminal history amendment both have retroactive effect.

Pursuant to the Standing Order, the court, in consultation with the United States Probation Office, designated this defendant for **Expedited** consideration and the United States Attorney's

Office was ordered to file any objection to a sentence reduction for this defendant within seven days of entry of this Order.

The United States has filed its response, urging the court to exercise its discretion to deny a reduction in sentence in this case. See ECF No. 68.

For reasons appearing to the court and consistent with Section III(f) of the Standing Order, the court hereby **REFERS** this matter to the Standard Procedure. The Federal Public Defender is **DIRECTED** to undertake representation of defendant in this matter or seek the appointment of counsel.

The court further **DIRECTS** that, within ten days of entry of this Order, counsel for defendant should file a written memorandum addressing all relevant issues, including eligibility, whether defendant should receive a reduction, and, if so, the extent of any reduction. The United States may submit a similar memorandum within the ten-day period or it may rely solely on ECF No. 68.

The Clerk is **DIRECTED** to send a copy of this Memorandum Opinion and Order to defendant, counsel of record, the United States Attorney, the Federal Public Defender, and the United States Probation Office.

**IT IS SO ORDERED** this 5th day of September, 2024.

ENTER:



David A. Faber

Senior United States District Judge